

Issue Brief  
November 30, 2010

## Persons with Disabilities and Discrimination

### Key Words:

Persons with disabilities, discrimination, Americans with Disabilities Act, Fair Housing Act, reasonable accommodation

### Description:

This issue brief is designed to outline the progress persons with disabilities have made in combating discrimination in all aspects of life, but also to highlight the obstacles with which they are still faced today.

### Key Points:

- With the help of such legislation as the Americans with Disabilities Act, persons with disabilities have made significant strides in eliminating discriminatory practices, most notably, in the workplace.
- The Fair Housing Act (Title VIII of the Civil Rights Act of 1968) was designed to promote the same equality within the housing market.
- However, some of the legislation, particularly the Fair Housing Act of 1968 (with respect to disabled populations) has not lived up to its billing.
- Deaf persons were offered fewer units, and were shown significantly less hospitality, if not ignored entirely.
- Housing providers were frequently reluctant to accommodate to mobility-disabled persons' requests for the designation of handicapped parking spots, as well as the alteration of units for the purposes of accessibility.

### Images:

Figure 1

<b>FOLLOW-UP</b>	<b>Hearing Favored</b>	<b>Deaf Favored</b>	<b>Net Measure</b>
<b>Call Back (N=69)</b>	20.3%	8.7%	11.6%
<b>Visit Invitation (N=69)</b>	34.8%	8.7%	26.1%**
<b>Overall Treatment (N=69)</b>	30.7%	10.9%	19.8%**
For net estimates, * indicates statistical significance at the 90% confidence level, while ** indicates significance at the 95% level (using a two-tailed test). Gross estimates are by definition statistically significant.			

Figure 2

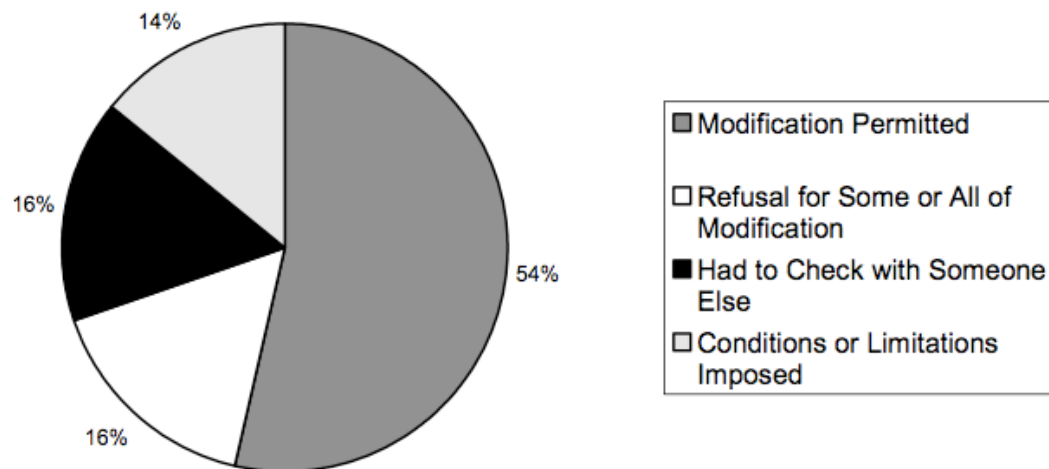


Figure 3

Information about Application Process	Nondisabled Favored	Wheelchair User Favored	Net Measure
Access to Information (N=99)	18.2%	11.1%	7.1%
Unit Availability & Inspection (N=88)	35.4%	7.1%	28.3%**
Unit Costs (N=78)	21.2%	31.3%	-10.1%
Application Process (N=78)	44.4%	14.1%	30.3%**
Hierarchical Composite (N=99)	59.6%	29.3%	<b>30.3%**</b>
Consistency Composite (N=99)	<b>32.3%</b>	9.1%	23.2%**
For net estimates, * indicates statistical significance at the 90% confidence level, while ** indicates significance at the 95% level (using a two-tailed test). Gross estimates are by definition statistically significant.			

(All images were taken from the U.S. Department of Housing and Urban Development's 2005 "Discrimination Against Persons with Disabilities: Barriers at Every Step" report)

#### Brief:

Like any minority group in the United States, persons with disabilities have been struggling for decades to eliminate the discriminatory practices levied against them. In 1990, the disabled community and its advocates made a tremendous stride towards the acquisition of the equality they have long sought in the passing of the Americans with Disabilities Act, which provided public services and employment opportunities to nearly 50 million disabled Americans. By requiring private and public facilities and employers to make reasonable accommodations to costumers and employees with disabilities, this legislation seeks to reduce, and eventually entirely eradicate, illegal discrimination (MRSC).

The Americans with Disabilities Act is broken down into five separate titles, each of which targets a particular aspect of American society prone to discrimination against persons with disabilities. The first and second titles prohibit public and private employers “from discriminating against qualified job applicants and workers who are or who become disabled,” and regulates salaries, promotions, durations of employment, and any other privileges afforded to applicants or employees. It also disallows the discrimination of state and local government programs and activities against persons with disabilities, and stipulates that public facilities must ensure that their establishments are structurally accessible. The third and fourth titles forbid “public accommodations [industries] from denying goods, [or other] services” to disabled Americans. The fifth and final title deals primarily with issues of implementation; it creates a “dispute resolution” mechanism (MRSC).

Clearly, the disabled population in the United States has made significant progress towards equality in the decades since the signing of the Americans with Disabilities Act. The Fair Housing Act of 1968 sought to mimic these strides in the housing market for all minority groups. However, at least in regards to persons with disabilities, this particular piece of legislation has not lived up to its billing, despite recent amendments expanding the enforcement role of the Department of Housing and Urban Development (Fair Housing). A test study conducted by the U.S. Department of Housing and Urban Development revealed that significant numbers of disabled individuals are being discriminated against in the Chicago metropolitan area. The test consisted of disabled individuals who sought—either by telephone, through a proxy, or in-person—information regarding the availability of advertised rental units. The study also investigated the structural accessibility of these locations, as well as the willingness of the landlord/lady to comply with requests for reasonable accommodation (HUD).

The study yielded some very unsettling findings. A mentally ill person lacking a rental history was informed that he/she would be required to produce a letter, in which their current group home agreed to assume responsibility for paying the rent if the mentally ill tenant failed to do so. Interestingly enough, a nondisabled individual also lacking a rental history was not required to produce any such written agreement (HUD).

A deaf individual using a TTY service to inquire about the availability of apartments was hung up on while the operator attempted to explain that the individual was deaf and was using a relay service to place the call. After calling back and trying again to explain the situation, “the housing provider said, ‘Hey, stop calling me, son of a bitch, will you?’ and [promptly] hung up again” (HUD). In-person tests yielded equally discomfoting results. The nondisabled tester was informed of the 25 available units (10 two-bedroom, 15 one-bedroom) and was shown three models (studio, one-, and two-bedroom). However, the hearing-impaired (using notes to communicate) was not told exactly how many units were available, and despite her requests, was told that the one model unit she was shown was all that they had to offer her (HUD).

A physically handicapped individual (in a wheelchair) asked whether he would be permitted to construct an access ramp to an apartment. The housing provider denied this request, and stated that he would need to be put on a waiting list for a more accessible unit. Similarly, a person with limited mobility was denied a request for a parking accommodation; he was told that “handicapped spaces were not specifically designated to individual tenants and were available on

a first-come-first-serve basis” (HUD). The housing provider did, however, suggest “rent[ing] a covered parking space for \$15 per month in order to guarantee a designated parking space near the apartment.” Shockingly, nearly 1 out of 5 housing providers refused to make this same parking accommodation (about.com).

Clearly, the Fair Housing Act is suffering from enforcement issues. This report discovered numerous acts of discrimination against persons with disabilities. Through unreasonable requirements, withholding of information, and refusal of accommodations, housing providers are making it much more difficult for disabled individuals to secure suitable housing than nondisabled individuals. One can only hope that this publication will gain further distribution and recognition, in order to inform landlords/ladies and house/apartment hunters alike about their rights, responsibilities, and obligations.

#### Works Cited:

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“Fair Housing—It’s Your Right.” *Homes and Communities*. 15 October 2009. U.S. Department of Housing and Urban Development. 7 October 2010. <<http://nls.gov/offices/fheo/FHLaws/yourrights.cfm>>.

Longley, Robert. “Disabled Face Discrimination in Rental Attempts.” *About.com: US Government Info*. July 2005. About.com. 7 October 2010. <<http://usgovinfo.about.com/od/rightsandfreedom/a/disablerents.htm>>.

Turner, Margery Austin; Herbig, Carla; Kaye, Deborah; Fenderson, Julie; Levy, Diane. *Discrimination Against Persons with Disabilities: Barriers at Every Step*. A study prepared at the Urban Institute. May 2005.

#### Relevant Websites:

Disability.gov  
([www.disability.gov](http://www.disability.gov))

U.S. Department of Justice, Civil Rights Division  
([http://www.justice.gov/crt/housing/housing\\_coverage.php](http://www.justice.gov/crt/housing/housing_coverage.php))

U.S. Department of Labor, ODEP  
(<http://www.dol.gov/odep/pubs/fact/laws.htm>)

Teaching Tolerance  
(<http://www.tolerance.org/activity/fighting-prejudice-and-discrimination-against-people-learnin>)